ATTACHMENT A
Remarks

Status of the Claims

Claims 1-34 are pending. Claims 1, 3, 5, 25, 29, 33 and 34 amended.

Issues Under 35 U.S.C. § 102

Claim 34 is rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Silfvast, US Patent Number 6,728,382 (the '382 patent). This rejection is respectfully traversed. Reconsideration and withdrawal thereof are respectfully requested.

The '382 patent discloses a control device for an audio processor that has a plurality of sets of function select controls and a function control section on its control device. The '382 inventor states that his invention makes digital audio mixing consoles more user friendly such that sound engineers will transition from using traditional analog audio mixing consoles to using technically superior digital consoles. The inventor does not state that his invention helps overcome, or is any way related to, certain problems addressed by the present invention. The Office Action cites the CRT device 312 in the '382 patent as being representative of the claimed video display. The '382 video device is discussed in col. 9, lines 6-8: "...control devices for audio mixers typically include at least one CRT display 312 which provides a graphical user interface for computer control of the backer." The '382 patent fails to describe or suggest monitors to display the video signals as claimed. The office action further stated that since the '382 monitor "is a graphical user interface for computer control of the mixer, therefore it displays a video signal that corresponds to an outgoing signal."

However, Applicants respectfully submit that one of regular skill in the art would not associate the described graphical interface with the claimed invention, which can include a

broadcast/preview video. Additionally, it is clear that a "broadcast-type" video signal as claimed cannot be used as an interface for computer control of the mixer. In other words, it would be clear to one of ordinary skill in the art that the graphic interface of the '382 patent could not be a video signal that is fit for broadcast.

In order to anticipate a claim, each and every element as set forth in the claim must be described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, the identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that in view of the deficiencies discussed above, it is clear that the '382 patent does not anticipate the present invention. Thus, reconsideration and withdrawal of this rejection are requested.

Issues Under 35 U.S.C. § 103

Claims 1, 3, 4, 9-14, 19, 24, and 29-33 are rejected as allegedly being obvious over Dudkowski, US Patent Number 7,006,154 (the '154 patent), in view of the '382 patent. This rejection is respectfully traversed. Reconsideration and withdrawal thereof are requested.

The '154 patent discloses a portable, suitcase-based system and method for editing live television signals. The '154 inventor states that the "current technology used for broadcasting a live sporting event in television is a 'TV remote truck' or similar type van."

'154 additionally states that "[t]he system (of '154) also comprises at least one additional input connector for receiving one or more separate input audio signals and an additional output connector..." As acknowledged in the first line of page 3 of the Office

Action, one of ordinary skill in the art would understand that the '154 patent does not have audio mixing capability. In view of the significant deficiencies of the secondary reference, one of ordinary skill in the art would not look to the '154 patent and the '382 patent in terms of any type of combination in an attempt to arrive at the present invention. In order to establish a case of obviousness, the Supreme Court directs that "the scope and content of the prior art" is determined, and that the "differences between the prior art and the claims at issues are ascertained." See Graham v. John Deere Co., 383 U.S. 1 (1966) and KSR Int'l v. Teleflex, Inc., 550 U.S. ___ (2007), where the Supreme Court instructed that the factors to look at specifically include: (1) the scope and content of the prior art; (2) the level of ordinary skill in the prior art; (3) the differences between the claimed invention and the prior art; and (4) objective evidence of nonobviousness, there would be no reason for one of ordinary skill to look at the prior art reference in view of any type of combination to arrive at the present claims.

Additionally, "the prior art reference (or references when combined) must teach or suggest all of the claim limitations." See MPEP § 2142. In view of the differences outlined above, Applicants respectfully submit that the references, as applied in the previous office action, fail to render the claims obvious.

Accordingly, Applicants request that this rejection be withdrawn.

Claims 2, 5-8, 15-18, and 25-28 are rejected as allegedly being obvious over the '154 patent, in view of the '382 patent, and further in view of Brunelle, US Patent Number 5,608,807 (the '807 patent). This rejection is respectfully traversed. Reconsideration and withdrawal thereof are requested.

Claims 2, 5-8, are 15-18 dependent, either directly or indirectly, on a claim that should be allowable as discussed above. The tertiary reference, the '807 patent, is cited as disclosing "an audio mixer comprising a meter bridge that corresponds to a channel control function." Thus, the tertiary reference fails to remedy the deficiencies discussed about. Accordingly, Applicants respectfully submit that this rejection should be withdrawn as well.

Claims 20-23 are rejected as allegedly being obvious over the '154 patent, in view of the '382 patent, and further in view of Davis, US Patent Number 5,479,519 (the '519 patent). This rejection is respectfully traversed. Reconsideration and withdrawal thereof are requested.

Claims 20-23 are 15-18 dependent, either directly or indirectly, on a claim that should be allowable as discussed above. Accordingly, Applicants respectfully submit that this rejection should be withdrawn as well.

Petition for an Extension of Time

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a three-month extension of time for filing a response to the outstanding Office Action. The extension fee in the amount of $510.00 is filed herewith.

From the foregoing, further and favorable reconsideration in the form of a Notice of Allowability is requested, and such action is believed to be in order.

If there are any questions concerning this amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned at the number listed below.

END REMARKS